THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.21231 of 2005

Dated: 18.03.2006

Between:

A.V.Nageswara Rao, S/o Karunakar Rao,
Attender, Central Bank of India, Eluru,
West Godavari District and others.

... **PETITIONER**

And:

The Branch Manager, Central Bank of India,
Powerpet, Eluru (PO), West Godavari District,
and others.

... **RESPONDENTS**

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 21231 of 2005

ORDER:

Petitioners, who are three in number, filed this writ petition seeking a Writ of Mandamus declaring the action of the respondents in not paying the salaries/wages to them as per the revised rates arrived at in the 8th Bipartite settlement dated 02.06.2005.

Petitioners are working as daily wage workers and attending the duties of sub-staff in the 3rd respondent-Central Bank of India, Eluru, West Godavari District. It is the case of the petitioners that though they are working on daily wage basis, when the salaries of the regular employees were revised pursuant to the 7th Bipartite Settlement, the respondents have revised their wages and the similarly placed persons. In the said background, they have filed this writ petition for revising their wages as per the 8th Bipartite Settlement dated 02.06.2005.

A counter-affidavit is filed on behalf of the respondents stating that the petitioners are working only on daily wage basis and due to administrative exigencies, their services were availed by the respondent-Bank. The petitioners have earlier filed W.P.No.11565 and 25671 of 2000 before this Court seeking regularization of their services, and the same are pending. It is further stated that the 8th Bipartite Settlement entered into between the Indian Bank Association and the Bank Employees Union is applicable only to permanent employees of the Bank, and the same is not applicable to the petitioners.

From the counter-affidavit filed on behalf of the respondents, it is clear that the said settlement was arrived at under Section 18(1) of the Industrial Disputes Act, 1947 and the salaries of the Bank employees, including the employees of the Central Bank of India, were revised with effect from 01.11.2002. It is not in dispute that the settlement is applicable only to the regular employees of the Bank and inasmuch as the petitioners are not regular employees, as a matter of right, they cannot seek to revise their wages as per the 8th Bipartite Settlement. However, in the counter-affidavit it is admitted that the wages payable to the temporary and casual employees were revised when the salaries of the regular employees were revised pursuant to the 7th Bipartite Settlement, and a circular to that effect was issued on 24.05.1999, vide Circular No. VRO:PRS:CIR:99-2000:12.

Though the petitioners cannot seek enforcement of the rates as arrived at in the 8th Bipartite Settlement, taking into account the fact that their wages were also revised earlier, I deem it appropriate to dispose of the writ petition granting liberty to the petitioners to make a representation in this regard to the third respondent within

a period of four weeks from today. On filing such representation, the third respondent shall consider the same and pass appropriate orders on the said representation for revising the wages of the petitioners in the light of the revised rates as per the 8th Bipartite Settlement. Further, when the third respondent is of the view that the decision in this regard has to be taken by the Board, it is equally open for him to forward the said representation to the competent authority for passing appropriate orders, as expeditiously as possible.

Subject to the above directions, the writ petition is disposed of. There shall be no order as to costs.

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18.03.2006

Note: Furnish C.C., in three days.

(B/o)

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